

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:	)	
	)	
PHILLIP J. JANCEK and	)	CASE NO. 04-66217 JPK
LINDA JANCEK,	)	Chapter 13
	)	
Debtors.	)	

ORDER REGARDING MOTION

On April 1, 2005, Huntington National Bank, by counsel, filed its Motion for Relief from Stay and Co-Debtor Stay as to 2000 Chevrolet Blazer and as to Lindsey Jancek. This motion seeks both stay relief with respect to property of the debtors' Chapter 13 bankruptcy estate, and relief from the co-debtor stay provided by 11 U.S.C. § 1301 with respect to the non-debtor Lindsey Jancek. Two separate requests for relief in the same motion violate N.D.Ind.L.B.R. B-9013-1(a): the request for relief from the co-debtor stay is subject to the "drop dead" provisions of N.D.Ind.L.B.R. B-2002-2(a)(18), while in the Hammond Division of the United States Bankruptcy Court for the Northern District of Indiana, relief from the automatic stay with respect to property of a Chapter 13 bankruptcy estate must be scheduled for a hearing. Consequently, the motion does not contain "requests for alternative relief" as provided for by N.D.Ind.L.B.R. B-9013-1(c). The primary reason for requiring separate motions for separate remedies having different procedural processes is to allow the Court and the Clerk's Office to separately track the contested matters arising from each separately requested form of relief.

Ordinarily, the Court would decline to enter an order with respect to the request for co-debtor stay relief in a combined motion such as this one. However, in this instance, the creditor complied completely with the provisions of N.D.Ind.L.B.R. B-2002-2(a)(18) with respect to the co-debtor stay relief request. The Court thus finds that the prayer for relief with respect to the lifting of the co-debtor stay in relation to Lindsey Jancek should be granted, and that the request for stay relief concerning property of the estate should be set for preliminary hearing.

IT IS ORDERED that the automatic stay of 11 U.S.C. § 1301 is terminated as to Huntington National Bank, its successors and assigns, with respect to the co-debtor Lindsey Jancek, and that said creditor may exercise its available remedies against her without the imposition of the automatic stay.

IT IS FURTHER ORDERED that a telephonic pre-hearing conference will be held on **May 18, 2005, at 1:00 P.M.** with respect to the creditor's motion for relief from stay with respect to the 2000 Chevrolet Blazer which constitutes property of the debtors' bankruptcy estate.

Dated at Hammond, Indiana on May 6, 2005.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger  
United States Bankruptcy Court

Distribution:  
Debtors, Attorney for Debtors  
Trustee, US Trustee  
Attorney for Creditor